

REMARKS

STATUS OF THE CLAIMS

Claim 25 has been cancelled, claims 20, 24, 26, 27, 42, and 47 have been amended, and claims 48-79 have been added, as discussed further below. Support for these amendments can be found throughout the specification and claims as originally filed, and no new matter has been added.

Claims 20-24 and 26-79 are now pending.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 20-47 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 3,918,896 (“Kalopissis”) in view of U.S. Patent No. 5,061,289 (“Clausen”). For at least the following reasons, the claims, as amended herein, are submitted to be patentable over the combination of Kalopissis in view of Clausen.

Claims 20, 42, and 47 have been amended such that (1) the at least one oxidation base is chosen from diaminopyrazoles of formula (II) and acid addition salts thereof where R₅ is chosen from a C₂-C₄ hydroxyalkyl radical and (2) the at least one coupler is chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, as more particularly set forth in the claims. Claims 20, 42, and 47, as well as claims 21-23, 32-41, and 43-46, that depend thereon, are patentable over the combination of Kalopissis in view of Clausen at least because (a) Clausen does not disclose any embodiments of oxidation bases where R₅ is a hydroxyalkyl, as claimed, and there is nothing to direct one to pick and choose from a large group of options to select these particular substituents; and (b) Kalopissis formula (I) does not include, and Kalopissis does not otherwise teach or suggest, any 2-chloro-3-amino-6-methylphenol couplers or even any isomers thereof.

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New claim 48, 66, and 75 are based on original claim 20, 42, and 47, respectively, but with the limitations that the at least one coupler is chosen from 2-halo-3-aminophenols and acid addition salts thereof, as more particularly set forth in the claims. Claims 48, 66, and 75, as well as claims 24, 26, 27, 49-65, 67-74, and 76-79 which depend thereon, are patentable over Kalopissis in view of Claussen at least because the claimed **2-halo-3-aminophenol** couplers are not within the scope of Kalopissis's formula (I) (which are **6-halo-3-aminophenols**) and Kalopissis does not otherwise teach or suggest these couplers.

New claims 49, 67, and 76 further limit 48, 66, and 75, respectively, such that R₁ (the substituent in the 6-position of the claimed halogenated metal-aminphenol coupler) is not from hydrogen, as more particularly set forth in the claims. Claims 49, 67, and 76 are thus further distinct over the combination of Kalopissis in view of Clausen at least because 6-substituted-2-halo-metaaminophenols are not within the scope of Kalopissis's formula (I) and Kalopissis does not otherwise teach or suggest these couplers or even their isomers.

New claims 50, 68, and 77 further limit 48, 66, and 75, respectively, such that R₁ (the substituent in the 6-position of the claimed halogenated metal-aminphenol coupler) is chosen from a C₁-C₄ alkyl radical, as more particularly set forth in the claims. Claims 49, 67, and 76 are thus further distinct over the combination of Kalopissis in view of Clausen at least because 6-alkyl-2-halo-metaaminophenols are not within the scope of Kalopissis's formula (I) and Kalopissis does not otherwise teach or suggest these couplers or even their isomers.

New claims 51, 69, and 78 further limit 48, 66, and 75, respectively, such that the at least one coupler is chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, as more particularly set forth in the claims. Claims 51, 69, and 78 are thus further distinct over Kalopissis in view of Claussen at least because Kalopissis formula (I) does not include and

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Kalopissis does not otherwise teach or suggest any 2-chloro-3-amino-6-methylphenol couplers or even any isomers thereof.

Claims 52, 70, and 79 further limit 48, 66, and 75, respectively, such that the at least one oxidation base is chosen from diaminopyrazoles of formula (II) and acid addition salts thereof where R₅ is chosen from a C₂-C₄ hydroxyalkyl radical, as more particularly set forth in the claims. Claims 52, 70, and 79 are thus further over Kalopissis in view of Claussen at least because Clausen does not disclose any embodiments of oxidation bases where R₅ is a hydroxyalkyl, as claimed, and there is nothing to direct one to pick and choose from a large group of options to select these particular substituents.

For at least the reason that all the claims are distinct over the combination disclosures of Kalopissis in view of Claussen, it is respectfully submitted that all the pending claims are allowable.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 22, 2003

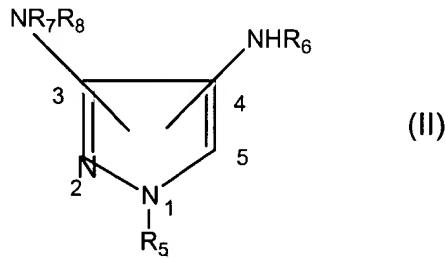
By: 

Mark J. Feldstein
Reg. No. 46,693

APPENDIX – AMENDMENTS IN MARKED-UP FORMAT

20. (Amended) A composition for the oxidation dyeing of keratin fibers comprising:

_____ - at least one oxidation base chosen from diaminopyrazoles, triaminopyrazoles, of formula (II) and acid-addition salts thereof;



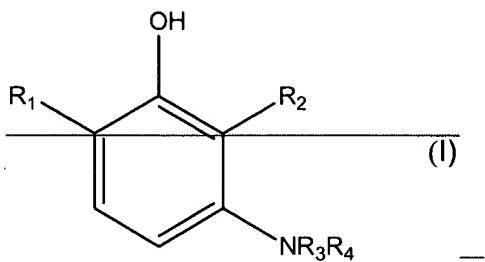
in which:

_____ - R5 is chosen from a C2-C4 hydroxyalkyl radical;

_____ - R6 and R7, which are identical or different, are chosen from a hydrogen atom, a C1-C4 alkyl radical, a C2-C4 hydroxyalkyl radical, a benzyl radical and a phenyl radical; and

_____ - R8 is chosen from a hydrogen atom, a C1-C6 alkyl radical and a C2-C4 hydroxyalkyl radical, and

_____ - and at least one coupler chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, halogenated meta-aminophenols of formula (I), and acid addition salts thereof:



in which:

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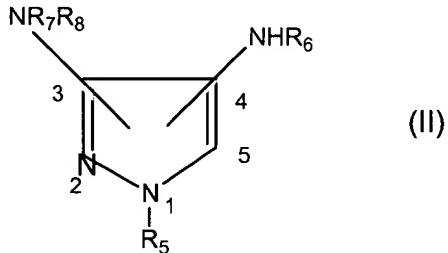
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~~—R₁ and R₂, which are identical or different, are chosen from a hydrogen atom, a halogen atom, a C₁-C₄ alkyl radical, a C₁-C₄ monohydroxyalkyl radical, a C₂-C₄ polyhydroxyalkyl radical, a C₁-C₄ alkoxy radical, a C₁-C₄ monohydroxyalkoxy radical and a C₂-C₄ polyhydroxyalkoxy radical;~~
~~—R₃ and R₄, which are identical or different, are chosen from a hydrogen atom, a C₁-C₄ alkyl radical, a C₁-C₄ monohydroxyalkyl radical, a C₂-C₄ polyhydroxyalkyl radical and a C₁-C₄ monoaminoalkyl radical;~~
with the proviso that at least one of said radicals R₁ and R₂ is a halogen atom.

24. (Amended) A composition according to Claim 4820, wherein said halogen atoms are chosen from chlorine, bromine, iodine and fluorine.

26. (Amended) A composition according to Claim 4820, wherein said diaminopyrazoles are chosen from:

a) diaminopyrazoles of formula (II), and acid addition salts thereof:



in which:

 - R₅ is chosen from a hydrogen atom, a C₁-C₆ alkyl radical, a C₂-C₄ hydroxyalkyl radical, a benzyl radical, a phenyl radical, a benzyl radical substituted with a halogen atom, a C₁-C₄ alkyl radical or C₁-C₄ alkoxy radical, or

R₅ forms, with the nitrogen atom of the group NR₇R₈ in position 5, a hexahydropyridazine or tetrahydropyrazole heterocycle which is optionally monosubstituted with a C₁-C₄ alkyl group;

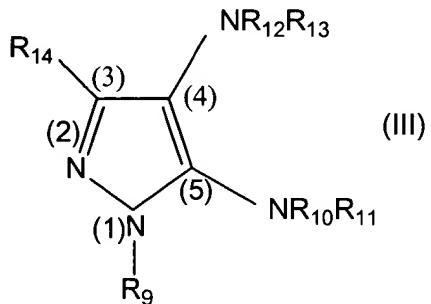
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_____ - R₆ and R₇ which are identical or different, are chosen from a hydrogen atom, a C₁-C₄ alkyl radical, a C₂-C₄ hydroxyalkyl radical, a benzyl radical and a phenyl radical;

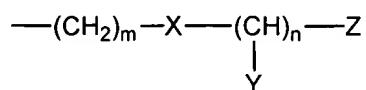
- R₈ is chosen from a hydrogen atom, a C₁-C₆ alkyl radical and a C₂-C₄ hydroxyalkyl radical; with the proviso that R₆ is a hydrogen atom when R₅ either is a substituted benzyl radical or forms a heterocycle with the nitrogen atom of the group NR₇R₈ in position 5; and

b) diaminopyrazoles of formula (III), and acid addition salts thereof:



in which:

_____ - R₉, R₁₀, R₁₁, R₁₂ and R₁₃, which are identical or different, are chosen from a hydrogen atom; a linear or branched C₁-C₆ alkyl radical; a C₂-C₄ hydroxyalkyl radical; a C₂-C₄ aminoalkyl radical; a phenyl radical; a phenyl radical substituted with a halogen atom or a C₁-C₄ alkyl, C₁-C₄ alkoxy, nitro, trifluoromethyl, amino or C₁-C₄ alkylamino radical; a benzyl radical; a benzyl radical substituted with a halogen atom or with a C₁-C₄ alkyl, C₁-C₄ alkoxy, methylenedioxy or amino radical; and a radical



in which m and n are integers, which are identical or different, ranging from 1 to 3 inclusive, X is chosen from an oxygen atom and an NH group, Y is chosen from a hydrogen atom and a methyl radical, and Z is chosen from a methyl radical and a group OR or NRR' in which R and R', which are identical or different, are chosen from a hydrogen atom, a methyl radical and an ethyl radical,

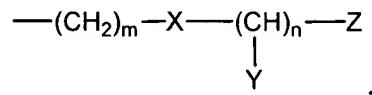
with the proviso that when R₁₀ is a hydrogen atom, then R₁₁ can also be an amino or C₁-C₄ alkylamino radical,

_____ - R₁₄ is chosen from a linear or branched C₁-C₆ alkyl radical; a C₁-C₄ hydroxyalkyl radical; a C₁-C₄ aminoalkyl radical; a (C₁-C₄)alkylamino(C₁-C₄)alkyl radical; a di(C₁-C₄)alkylamino(C₁-C₄)alkyl radical; a hydroxy(C₁-C₄)alkylamino(C₁-C₄)alkyl radical; a (C₁-C₄)alkoxymethyl radical; a phenyl radical; a phenyl radical substituted with a halogen atom or with a C₁-C₄ alkyl, C₁-C₄ alkoxy, nitro, trifluoromethyl, amino or C₁-C₄ alkylamino radical; a benzyl radical; a benzyl radical substituted with a halogen atom or with a C₁-C₄ alkyl, C₁-C₄ alkoxy, nitro, trifluoromethyl, amino or C₁-C₄ alkylamino radical; a heterocycle chosen from thiophene, furan and pyridine; and a radical -(CH₂)_p-O-(CH₂)_q-OR", in which p and q are integers, which are identical or different, ranging from 1 to 3 inclusive, and R" is chosen from a hydrogen atom and a methyl radical;

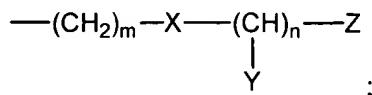
with the provisos that, in formula (III),

_____ - at least one of the radicals R₁₀, R₁₁, R₁₂ and R₁₃ is a hydrogen atom;

_____ - when R₁₀, or R₁₂, respectively, is a substituted or unsubstituted phenyl radical, or a benzyl radical or a radical



then R₁₁, or R₁₃, respectively, is not a substituted or unsubstituted phenyl radical, or a benzyl radical or a radical



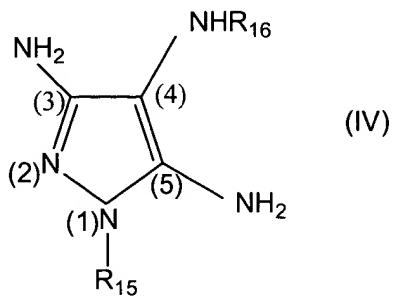
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_____ - when R_{12} and R_{13} simultaneously represent a hydrogen atom, then R_9 can form, with R_{10} and R_{11} , a hexahdropyrimidine or tetrahydroimidazole heterocycle which is optionally substituted with a C_1 - C_4 alkyl or 1,2,4-tetrazole radical;

_____ - when R_{10} , R_{11} , R_{12} and R_{13} represent a hydrogen atom or a C_1 - C_6 alkyl radical, then R_9 or R_{14} can also represent a 2-, 3- or 4-pyridyl, 2- or 3-thienyl or 2- or 3-furyl heterocyclic residue which is optionally substituted with a methyl radical or a cyclohexyl radical.

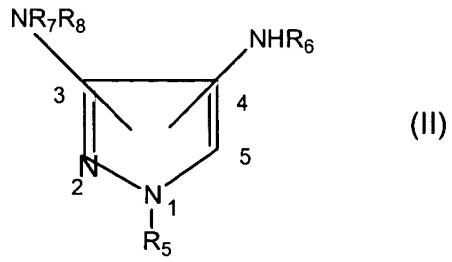
27. (Amended) A composition according to Claim 4820, wherein said triaminopyrazoles are chosen from compounds of formula (IV), and acid addition salts thereof:



in which:

_____ - R_{15} and R_{16} , which are identical or different, are chosen from a hydrogen atom, a C_1 - C_4 alkyl and a C_2 - C_4 hydroxyalkyl radical.

42. (Amended) A method for dyeing keratin fibers, comprising:
(a) applying to said keratin fibers at least one dye composition, which comprises
_____ - at least one oxidation base chosen from diaminopyrazoles of formula (II), triaminopyrazoles, and acid-addition salts thereof;

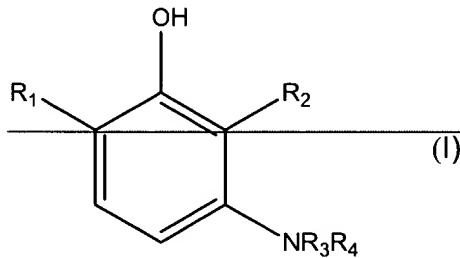


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in which:

- R₅ is chosen from a C₂-C₄ hydroxyalkyl radical;
- R₆ and R₇, which are identical or different, are chosen from a hydrogen atom, a C₁-C₄ alkyl radical, a C₂-C₄ hydroxyalkyl radical, a benzyl radical and a phenyl radical; and
- R₈ is chosen from a hydrogen atom, a C₁-C₆ alkyl radical and a C₂-C₄ hydroxyalkyl radical, and
- and at least one coupler chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, and halogenated meta-aminophenols of formula (I), and acid addition salts thereof:



in which:

- R₁ and R₂, which are identical or different, are chosen from a hydrogen atom, a halogen atom, a C₁-C₄ alkyl radical, a C₁-C₄ monohydroxyalkyl radical, a C₂-C₄ polyhydroxyalkyl radical, a C₁-C₄ alkoxy radical, a C₁-C₄ monohydroxyalkoxy radical and a C₂-C₄ polyhydroxyalkoxy radical;
- R₃ and R₄, which are identical or different, are chosen from a hydrogen atom, a C₁-C₄ alkyl radical, a C₁-C₄ monohydroxyalkyl radical, a C₂-C₄ polyhydroxyalkyl radical and a C₁-C₄ monoaminoalkyl radical;

with the proviso that at least one of said radicals R₁ and R₂ is a halogen atom;

and

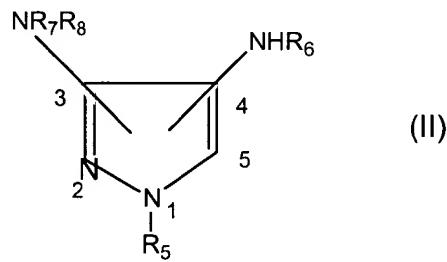
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(b) developing a color at an acidic, neutral or alkaline pH with the aid of an oxidizing agent, wherein said oxidizing agent is added to said at least one dye composition at the time of application of said composition, or wherein said oxidizing agent is present in an oxidizing composition, and wherein said oxidizing composition is applied simultaneously or sequentially with said at least one dye composition.

47. (Amended) A multi-compartment kit for dyeing keratin fibers, comprising at least two compartments, wherein one compartment comprises an oxidizing composition, and another compartment comprises a composition for the oxidation dyeing of keratin fibers, said composition for the oxidation dyeing of keratin fibers comprising:

- at least one oxidation base chosen from diaminopyrazoles, triaminopyrazoles, of formula (II) and acid-addition salts thereof;



in which:

- R5 is chosen from a C2-C4 hydroxyalkyl radical;

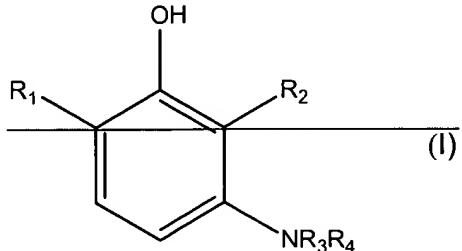
- R6 and R7, which are identical or different, are chosen from a hydrogen atom, a C1-C4 alkyl radical, a C2-C4 hydroxyalkyl radical, a benzyl radical and a phenyl radical; and

- R8 is chosen from a hydrogen atom, a C1-C6 alkyl radical and a C2-C4 hydroxyalkyl radical, and

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— and at least one coupler chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, halogenated meta-aminophenols of formula (I), and acid addition salts thereof:



in which:

~~—R₁ and R₂, which are identical or different, are chosen from a hydrogen atom, a halogen atom, a C₁-C₄ alkyl radical, a C₁-C₄ monohydroxyalkyl radical, a C₂-C₄ polyhydroxyalkyl radical, a C₁-C₄ alkoxy radical, a C₁-C₄ monohydroxyalkoxy radical and a C₂-C₄ polyhydroxyalkoxy radical;~~

~~—R₃ and R₄, which are identical or different, are chosen from a hydrogen atom, a C₁-C₄ alkyl radical, a C₁-C₄ monohydroxyalkyl radical, a C₂-C₄ polyhydroxyalkyl radical and a C₁-C₄ monoaminoalkyl radical;~~

with the proviso that at least one of said radicals R₁ and R₂ is a halogen atom.

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